

REMARKS

Claims 24-28 and 30-46 are currently pending in this application. Claim 46 has been allowed. The Examiner has indicated that claims 31-41 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In an Advisory Action dated December 13, 2004, the Examiner did not enter our amendment to claim 24 in the Amendment After Final dated November 16, 2004. This Amendment cancels claims 30, 34, 35 and 40 and amends claims 24, 31, 36, 37, 41 and 46. Support for the amendments to the claims can be found in the specification, drawings and claims as originally filed. No new matter has been added.

In the Final Office Action dated August 17, 2004, the Examiner rejected claim 24 under 35 U.S.C. § 112, second paragraph, for indefiniteness. The Examiner asserts that the term “certain” renders the claim indefinite. In response, claim 24 has been amended to replace the phrase “certain requirements” with the phrase “one or more physical requirements.” Furthermore, allowed claim 46 has been amended to include this amended language. Support for the amendments to the claims can be found, for example, on page 3, lines 8-15 of the present specification. In view of the foregoing, withdrawal of the rejection of claim 24 is respectfully requested.

The Examiner has rejected claims 24, 25 and 30 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 6,477,801 to O’dwyer (hereinafter “the O’dwyer patent”) in view of U.S. Patent No. 4,835,621 to Black (hereinafter “the Black patent”). The Examiner asserts that the O’dwyer patent teaches a firearm 10 with a safety means for impeding an unauthorized person to fire the firearm. The Examiner also asserts that the Black patent teaches an information storage means 10 for recording at least one aspect of the group consisting of an image in the direction in which a shot is fired, and inherently storing a sound at about the time when a shot is fired. Therefore, the Examiner contends that it would have been obvious to one of ordinary skill in the art to mount the information storage means (video camera) of the Black patent into the firearm of the O’dwyer patent to record and monitor the shooting action along with a safety means. Furthermore, the Examiner asserts that the “wherein” clause in claim 24 is essentially a method limitation or statement of intended use that does not serve to patentably distinguish the claimed structure over the cited references. In response, claims 30, 34 and 35 have been cancelled and independent claim 24

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has been amended to include the allowable subject matter of cancelled claims 34 and 35. Support for the amendment to claim 24 can be found, for example, in cancelled claims 30, 34 and 35, on page 3, lines 17-18 and on page 3, line 20 to page 4, line 4 of the present specification. Claim 30 has been cancelled and, therefore, the rejection is moot. Claims 31, 36 and 37 have been amended to change their dependency and claim 41 has been amended, thus deleting the term “and/or” and replacing it with the term “and.” In view of the amendments to independent claim 24, and for the reasons discussed below, reconsideration of the rejection of claims 24 and 25 is respectfully requested.

The present invention, as claimed in amended independent claim 24, is directed to a firearm device comprising a firearm, a safety means for impeding an unauthorized person to fire the firearm, and an information storage means for recording and storing at least one aspect of a group consisting of an image in the direction in which a shot is fired, and a sound at about the time when a shot is fired. The safety means comprises an information carrier means whereupon information can be recorded, a reading means for reading information on the information carrier means, an information gathering means for gathering physical information from a person to use a firearm, whereby the person can be identified, and a processing means for processing information received from the information carrier means and the gathering means and allowing firing of the firearm to take place only if the information so received complies with one or more physical requirements.

The O’dwyer patent is directed to a system that provides security measures for electronically operating munitions and firearms, such as pistols and the like. Electronic controls may be armed or disarmed electronically and provided with a coding means which arms electronic controls, which enable firing of the secured weapon upon receiving an authorization code. Such a code may be unique to the individual, provided in the form of a swipe card or the like carried by the authorized personnel. Alternatively, the code may be biometric data which retains a lifelong distinctive identity of authorized persons (Abstract). The weapon or the electronic insert, could be provided with a keypad or a card swipe, or could be programmed to recognize biometric data of the authorized personnel that may be analyzed to provide an arm signal when authorized personnel are sensed as being in control of the weapon. The biometric data can be in the form of a personalized transducer secured on the body of the authorized personnel. The magazine/insert or weapon could also contain lenses, transducers or contact patches, for example, such as for verifying matching

identification details, voice recognition or a fingerprint or other biometric data which are characteristic to each individual (column 2, lines 19-34). The O'dwyer patent does not teach or suggest a safety means having both a reading means for reading information on the information carrier means and a gathering means for gathering physical information from a person to use the firearm, as claimed in amended independent claim 24.

The Black patent is directed to a video camera recording device incorporated into a gun-like mounting structure which can be raised to the shoulder and sighted at an object in the same way that a gun is usually raised to the shoulder and aimed (column 1, lines 5-10).

None of the cited prior art references teaches or suggests a safety means having both a reading means and a gathering means as claimed in amended claim 24. The weapon of the O'dwyer patent has either (1) a card swipe for reading information from a card or (2) a transducer (such as a fingerprint transducer) for reading information from a user. In the first instance, anyone in possession of the authorized card can use the card swipe on the weapon and fire the weapon, including a person who is not authorized to have the card. In the second instance, wherein a transducer is placed on the weapon for reading the biometric data of an authorized user, the particular biometric data of the user must already be pre-programmed into the electronic controls of the weapon in order to compare the pre-programmed biometric data with the actual biometric data of the user. This arrangement limits the number of authorized users to only those users whose biometric data is stored in electronic circuitry of the weapon. In contrast, the weapon of the claimed invention has several advantages that the weapon of the O'dwyer patent does not have. Specifically, any person in possession of an authorized card can use the weapon's card swipe (i.e., reading means) to enter the information on the card. However, unlike the weapon of the O'dwyer patent, the weapon of the present invention will not fire unless the biometric data of the person in possession of the card is entered into the electronic controls of the weapon via a transducer (i.e., gathering means) on the weapon, and that data matches the data entered from the card. With the weapon of the present invention having both a reading means and a gathering means, the number of authorized users is not limited to what is already stored in the electronic controls. Therefore, there is no teaching, suggestion or motivation in the prior art references, either alone or in combination, that teaches or suggests a firearm having a safety means that comprises an information carrier means, a reading means and a gathering means.

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Furthermore, the “wherein” clause in claim 24 is followed by structural limitations (not method limitations) that further limit the firearm device of the claimed invention. In view of the above amendments and remarks, reconsideration and withdrawal of the rejections of claims 24 and 25 are respectfully requested.

Claims 26 and 27 stand rejected under 35 U.S.C. § 103(a) for obviousness over the O’dwyer patent and the Black patent in view of U.S. Patent No. 5,062,232 to Eppler. The Examiner relies on Eppler for the asserted teaching of a firearm that includes a laser system for generating a laser beam to ignite a charge to fire a projectile and for an electronic system that controls firing of the firearm. Claims 26 and 27 depend either directly or indirectly from independent claim 24 and are thus allowable over the teachings of the O’dwyer patent and the Black patent for the reasons discussed above.

Claim 28 stands rejected under 35 U.S.C. § 103(a) for obviousness over the O’dwyer patent and the Black patent in view of International Application WO-A-98 55 817 (hereafter “D1”). The Examiner relies on D1 for the asserted teaching of a plurality of barrels, wherein the barrels are preloaded with projectiles and charges. Claim 28 depends indirectly from independent claim 24 and is thus allowable over the teaching of the O’dwyer patent and the Black patent for the reasons discussed above.

Claims 42-45 stand rejected under 35 U.S.C. § 103(a) for obviousness over the O’dwyer and the Black patent in view of U.S. Patent No. 6,539,661 to Hope. The Examiner relies on Hope for the asserted teaching of a digital camera for recording images. Claims 42-45 depend either directly or indirectly from independent claim 24 and are thus allowable over the teachings of the O’dwyer patent and the Black patent for the reasons discussed above.

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CONCLUSION

In view of the foregoing, the Applicant believes that claims 24-28, 31-33 and 41-46 are patentable over the prior art of record and are in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and allowance of claims 24-28, 31-33, 36-39 and 41-46 are respectfully requested.

Respectfully submitted,

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